

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LOUISE CONKLIN,	:	CASE NO. 5:07-cv-02667
Plaintiff,	:	OPINION & ORDER
vs.	:	[Resolving Docs. No. 1 , 15 .]
COMMISSIONER OF SOCIAL SECURITY,	:	
Defendant.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On October 28, 2002, Plaintiff Louise Conklin (“Conklin”) filed an application for Supplemental Security Income with the Social Security Administration. [Transcript of Social Security Administration Proceedings (“Tr.”), 48-50.] The Administration denied the Plaintiff’s application on December 10, 2002 and again on June 26, 2003 upon reconsideration. [Tr. 36-39, 41-43.] On July 30, 2003, the Plaintiff requested a hearing before an Administrative Law Judge (“ALJ”). [Tr. 44.] On March 7, 2005, ALJ Peter R. Bronson held a hearing at which the Plaintiff, represented by counsel, and Vocational Expert, Barbara E. Burks, testified. [Tr. 243-285.] The ALJ denied the Plaintiff’s disability claim on November 21, 2005.^{1/} [Tr. 9-26.] On July 20, 2007, the Appeals Council declined to review the decision of the ALJ, rendering the denial final. [Doc. [1-2](#).]

^{1/} Because the Magistrate Judge does not provide an exhaustive list of the ALJ’s findings regarding Plaintiff Conklin’s limitations, the Court draws attention to these limitations listed on pages 5 and 6 of the ALJ’s decision. [Tr. 16-17.]

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On September 4, 2007, under 42 U.S.C. §§ 405(g) and 1383(c)(3), Plaintiff Conklin filed a complaint before this Court challenging the final decision of the Commissioner of Social Security (“the Commissioner”) denying the Plaintiff’s application for Supplemental Security Income. [Doc. 1.] On September 11, 2007, the Court referred this case to United States Magistrate Judge David S. Perelman to issue a Report and Recommendation. [Doc. 5.] On May 28, 2008, Magistrate Judge Perelman issued a Report and Recommendation recommending that this Court affirm the Defendant’s denial of the Plaintiff’s application for Supplemental Security Income. [Doc. 15.] Plaintiff Conklin never objected to the Report.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties object. 28 U.S.C. § 636(b)(1). Parties must file any objections to a Report and Recommendation within ten days of service. *Id.* Failure to object within that time waives a party’s right to appeal the decision. *See Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981)*.

Absent objection, a district court may adopt the magistrate’s report without review. Thomas, 474 U.S. at 149-50. In the instant case, neither party has objected to the Report and Recommendation. Having reviewed the parties’ briefs on the matter, this Court agrees with the conclusion of the Magistrate Judge.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Perelman’s findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **AFFIRMS** the

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Commissioner's decision denying Plaintiff Conklin's application for Supplemental Security Income.

IT IS SO ORDERED.

Dated: June 24, 2008

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE